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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,080	12/12/2001	Kotaro Fujino	2462-130US	6925

7590 04/17/2006

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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/016,080	FUJINO ET AL.	
	Examiner	Art Unit	
	Victor Lesniewski	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 9-11 is/are rejected.
- 7) ☐ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 12/8/2005 has been placed of record in the file.
2. Claims 1 and 11 have been amended.
3. Claim 2 has been canceled.
4. Claims 1, 3-6, and 9-11 are now pending.
5. The applicant's arguments with respect to claims 1, 3-6, and 9-11 have been considered but are moot in view of the following new grounds of rejection.

Continued Examination Under 37 CFR 1.114

6. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous office action has been withdrawn pursuant to 37 CFR 1.114. The applicant's submission filed on 2/2/2006 has been entered.

Claim Objections

7. Claim 3 is objected to because of the following informalities:
 - Claim 3 makes claim to the “system described in claim 2.” However claim 2 has been canceled and therefore claim 3 cannot be dependent on it. For the purpose of applying prior art it will be assumed that claim 3 refers to the system described in claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1, 3-6, and 9-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

10. Claims 1 and 11 recite “without any immediate benefit for said supporters.” This limitation is seen as new matter that is not supported in the specification. Discussion of the votes explicitly having no immediate benefit for the supporters could not be found in the specification and thus it is unclear exactly what immediate benefit the votes may or may not have for the supporters in the present invention.

11. Claims 1 and 11 recite “without any reward to said supporter prior to said participation in future revenues.” This limitation is seen as new matter that is not supported in the specification. Discussion of the dividend explicitly having no reward for the supporter prior to a participation in future revenues could not be found in the specification and thus it is unclear exactly what reward the dividend may or may not have for the supporter prior to future revenues in the present invention.

12. Claims 3-6, 9, and 10 are rejected due to their dependence on claim 1.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1, 3-6, and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishii et al. (U.S. Patent Application Publication Number 2002/0165811), hereinafter referred to as Ishii.

15. Ishii has disclosed:

- <Claim 1>

An artist supporting and mediating system comprising: one or more pre-registered artists (figure 1, item 32); one or more supporters, said supporter being distinct from said pre-registered artist (figure 1, item 20); a vote accepting computer that accepts votes from said one or more supporters for said pre-registered artists or their artistic works, said votes being indicative of monetary support pledged to said artist without any immediate benefit for said supporters (paragraphs 97 and 98); a fee collecting computer that handles a process of charging fees to said supporters according to numbers of votes cast and a predetermined unit fee per vote (paragraph 98); a vote tabulating computer that tabulates votes for each of said pre-registered artists or said artistic work (paragraph 84); and a support fund distributing computer that distributes support funds to said artist or an artist who produced said artistic work, said support funds being monetary rewards directly

proportional to said number of votes cast for said artist or artistic work based on a predetermined rate (paragraph 251); and a dividend distributing computer that distributes dividends to each supporter according to a number of said votes cast or owned by said supporter, and wherein said dividend entitles said supporter to a predetermined participation in future revenue generated by said artist, such that said dividend is indicative of money paid to said artist without any reward to said supporter prior to said participation in future revenues (paragraph 135).

- <Claim 3>

The artist supporting and mediating system described in claim 2 wherein said dividend distributing computer distributes dividends when profits generated by artistic activities of said artist match with a predetermined condition (paragraph 339).

- <Claim 4>

The artist supporting and mediating system described in claims 1 further comprising a vote trade mediating computer that mediates trades of votes owned by said supporters (paragraph 83).

- <Claim 5>

The artist supporting and mediating system described in claims 1 further comprising a audio/visual distributing service computer that provides a service of audio/visual distribution of artistic works of pre-registered artists to said supporters (paragraphs 93-96).

- <Claim 6>

The artist supporting and mediating system described in claims 1 further comprising a browsing/searching service computer that provides a service of allowing said supporters to browsing and/or searching attributive data of pre-registered artists (paragraph 96).

- <Claim 9>

The artist supporting and mediating system of claim 1 further comprising supporters' terminals connected to said system and each said computers are interconnected via a computer network (figure 1, item 20).

- <Claim 10>

The artist supporting and mediating system of claim 1 further comprising artists' terminals connected to said system and each said computers are interconnected via a computer network (figure 1, item 32).

- <Claim 11>

Artist supporting and mediating system comprising: a vote accepting computer that accepts votes from supporters of preregistered artists or their artistic works said votes being indicative of monetary support pledged to said artist without any immediate benefit for said supporters (paragraphs 97 and 98); a fee collecting computer that handles a process of charging fees to said supporters according to numbers of votes cast and a predetermined unit fee per vote (paragraph 98); a vote tabulating computer that tabulates votes for each artist or artistic work (paragraph 84); a support fund distributing computer that distributes support funds to said artist or an artist who produced said artistic work, said support funds being monetary rewards directly proportional to said number of votes

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cast for said artist or artistic work based on a predetermined rate (paragraph 251); a dividend distributing computer that distributes dividends to each supporter according to a number of said votes cast or owned by said supporter, and wherein said dividend entitles said supporter to a predetermined participation in future revenue generated by said artist, such that said dividend is indicative of money paid to said artist without any reward to said supporter prior to said participation in future revenues (paragraph 135); supporters' terminals connected to said system (figure 1, item 20); and, artists' terminals connected to said system (figure 1, item 32), wherein said computers are interconnected via a computer network (figure 1).

Since all the limitations of the invention as set forth in claims 1, 3-6, and 9-11 were disclosed by Ishii, claims 1, 3-6, and 9-11 are rejected.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Boushy et al. (U.S. Patent Number 6,003,013) disclosed a system for determining worth of customers to a casino where customer accounts are updated with status information and new activity data from input devices.
- Blumberg (U.S. Patent Number 6,240,415) disclosed a system for computerized corporate management of entities that allows remote users to vote on the managed entities.

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- Postrel (U.S. Patent Number 6,594,640) disclosed a method for operating a reward points accumulation and redemption program wherein a user earns reward points from a plurality of independent reward points issuing entities.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski
Patent Examiner
Group Art Unit 2152



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SUPERVISORY PATENT EXAMINER